

37 CFR 1.131(a) Affidavit of:
Austion O'Malley



Docket No. 6175-010

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Post Office as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date: 5-4-04
Name: Melissa Scanzillo
Signature: Melissa Scanzillo
Clifford Chance US LLP

Docket No. 6175-10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jyoti Das et al.

Filed: May 31, 2000

Group Art Unit: 2123

Serial No.: 09/583,502

Examiner: Kandasamy Thangavelu

For: MAINTAINING A COMPUTER-GENERATED DESIGN MODEL

DECLARATION OF AUSTIN O'MALLEY UNDER 37 CFR 1.131(A)

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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MAY 07 2004

Technology Center 2100

Sir:

Austin O'Malley, a named applicants in the above-referenced patent application, declares and states as follows:

1. I am a named applicant in the above-identified application and I make the following averments in support of the patentability of, and in response to the Office Actions dated July 31, 2003 and January 12, 2004.
2. The documents attached as Exhibits A through E each provide documentary evidence that the inventions recited in the above-identified application were all invented prior to the November 8, 1999, U.S. filing date of U.S. Patent No. 6,557,002.

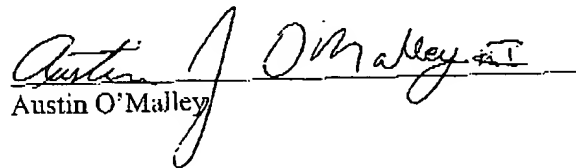
3. Exhibit A is a document entitled "Promote and demote components in assemblies" with a "last update" date of December 11, 1998. This is a product requirement document and it discloses technical details directed to an implementation in progress of inventions claimed in application No. 09/583,502.
4. Exhibit B shows an email message from named inventor Jyoti Das to Ron Bates dated December 29, 1998 bearing the subject line "FW: Promote and Demote Components in assemblies." This email message states that "I have submitted the basic functionality including the UI for this project. This should be available to you in this morning's build." Upon information and belief, the functionality being referred to in Exhibit B is directed to reduction to practice of inventions claimed in application No. 09/583,502.
5. Exhibit C is an email message from Graham Rae to Ron Bates dated December 18, 1998. This email message references Project 2052 "Promote/ Demote components in assembly; some more on drag and drop." Upon information and belief, this reference refers to efforts to implement the functionality now claimed in application No. 09/583,502.
6. Exhibit D is a print out of an excerpt from a source code header file named "arrcomp.h". Upon information and belief, and as comments in this source code header file state, this file relates to a "Dialog for rearranging components in a multi-level assembly" and was produced as part of an effort to implement functionality now claimed in application No. 09/583,502. Line // \$cl (the 11th line) of this header file states that this file was created on November 5, 1998. Upon information and belief, this creation date is accurate.
7. Exhibit E is a print out of an excerpt from a source code header file named "compcarry.h". Upon information and belief, and as comments in this source code header file state, this file relates to a "Model Support: Assembly Arrange Components" and "Data for rearranging components in a multi-level assembly" and was produced as part of an effort to implement

functionality now claimed in application No. 09/583,502. Line //Sc1 (i.e., the 22nd line) of this header file states that this file was created on November 5, 1998. Upon information and belief, this creation date is accurate.

8. Conception and reduction to practice of the claimed inventions were carried out in this country.
9. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereupon.

Dated: _____

4/9/04


Austin O'Malley